

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WAYLAND DEE KIRKLAND, No. CIV S-02-1266-JAM-CMK-P

Petitioner,

VS.

ORDER

D.K. BUTLER, et al.,

Respondents.

Petitioner, a state prisoner proceeding with counsel, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a notice of voluntary dismissal, with a stipulation by respondent. Because the parties have stipulated to the dismissal of this case, leave of court is not required and the action is dismissed on petitioner's notice. See Fed. R. Civ. P. 41(a)(1)(A)(ii). Clerk of the Court is directed to close this file.

IT IS SO ORDERED.

DATED: February 24, 2009

Craig M. Kellison
CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE